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To: Microsoft ATR,dennispowell@earthlink.net@inetgw,do...
Date: 1/24/02 3:42am
Subject: Public comment submission RE:Microsoft Settlement

To whom it may concern
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530-0001

Jan 23, 2002

I am opposed to the proposed settlement in the United States v. Microsoft antitrust case in its current form.

As someone who has been involved in the computing industry since the late 80's, I have watched Microsoft rise to dominance with concern for the longer term health of the industry as a whole. While I have often found Microsoft's techniques distasteful and unethical, my primary concern is that everyone involved concentrate their efforts toward a solution better able to deal with future behavior, not one that corrects the mistakes of the past.

Any remedy directed toward past events will be ineffective as rendered due to the rapid pace of change in our industry today.

With an eye toward the future, I respectfully submit the following for consideration:

Microsoft should be compelled to fully document and publish file formats and application programming interfaces in a format without restriction for public review. Compulsory RAND licenses allowing the use of the formats will be made available to closed development efforts regardless of size. Open development efforts would be able to make use of the public documents without license provided that the resulting code remain open. Publication of said standards should be made in a timely manner in order to foster competition and innovation among all parties involved.

The above provisions, while not precise enough for final rendered judgment, serve as a rough framework intended to achieve a number of goals all contributing to the longer term health of the industry in general and long term benefit to its users.

Competing developers would be able to build applications better able to inter-operate with Microsoft's own, thus enabling competition for common

applications on a number of platforms. The average person's choice of computer is sharply limited today because it is artificially difficult to develop viable alternatives. API and file format inter-operability is necessary for this to change.

Microsoft's ability to 'Embrace and Extend' open standards would be sharply limited by the provisions outlined above. Open standards are often developed either in an academic environment, or through peer review. Use of said standards should remain open. Closing them only benefits Microsoft.

The rapid growth of the Internet as we see it today is due to the open standards upon which it is built. Another facet of the Internet that is worth consideration, at this point, is the fact that it runs on a number of different platforms, including those offered by Microsoft. If current behavior is allowed to continue, this will change for the worse. We will end up with one company controlling a very large portion of the Internet also in a position to control its future direction. Given the relative youth of the Internet today, I am not convinced that this is the best outcome.

Almost every computer working today regardless of vintage or make is capable of performing the basic computing tasks most users need, yet the latest Microsoft offerings demand the latest machines. While I clearly recognize Microsoft's need to innovate and take advantage of the latest technology, I also have concern over the lack of alternatives able to make good use of the hardware already available. Open data formats, and applications programming interfaces will enable better solutions to common needs on existing hardware. There is a lot of value in these types of solutions. Longer term, the presence of these solutions also provide a powerful incentive for future development to remain realistic in its hardware demands.

In summary, my primary concern is with the way Microsoft has leveraged its file formats and application programming interfaces to build its business at the expense of everyone, including its own customers.

Addressing future behaviour, rather than correcting problems of the past, takes best advantage of the fast pace of technology today.

Thank you for your time and consideration,

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